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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,171	01/03/2007	Yekutiel Josefsberg	LUZ034PU	7087
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EXAMINER				
NGUYEN, TU X				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/597,171

**Applicant(s)**

JOSEFSBERG, YEKUTIEL

**Examiner**

TU X. NGUYEN

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,6,7 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,5 and 8-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/13/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7, 19-21 and 23, are rejected under 35 U.S.C. 102(b) as being anticipated by Kiefl (US Patent 5382970).

Regarding claim 1, Kiefl discloses method for determining the efficiency of publicity and/or broadcasted programs, which comprises the following steps:

a) Providing frequency-determining apparatus located in the proximity of a TV converter or FM radio (col.8 lines 8-31)

b) Periodically determining the current frequency of a broadcast channel (col.7 lines "50-51" "if there have been no changes in the channel selector 14 in a long time, for example for hours");

c) Transforming said frequency into a digital word (col.2 lines 40-55, col.3 lines col.7 lines 40-49, 55-65 the data meter receiving infrared signal and transforming to

display channel 04) and storing same in a memory associated with said frequency-determining apparatus, col.5 lines 51-65 "the channel selection signal received by infrared detector 21 is decoded by a channel detector in the input/output interface 22 to provide a channel identifier"); and,

d) When a request is received from a remote control center, transmitting a reply which comprises the digital word stored in the memory at the time of said request (abstract, "the control may respond to a call initiated from the central location").

Regarding claim 3, Kiefl discloses constantly adjoining the memorized digital word (col.4 lines 12-19) and, when a request is received, transmitting a reply comprising the adjourned, memorized digital word (col.4 lines 20-29).

Regarding claim 7, Kiefl discloses concurrently carried out for a plurality of publicities and/or broadcasted programs (col.3 lines 31-40, the data collector is able to record for two or more viewers and can monitor viewing of television receivers).

Regarding claim 19, Kiefl discloses identifying the person watching or listening to the publicities or broadcasted programs (col.3 lines 30-35).

Regarding claim 20, Kiefl discloses apparatus for collecting data related to the efficiency of publicity and/or broadcasted programs provided to a user via a TV converter or FM radio, comprising:

i. An optical reader suitable to read the frequency displayed on the TV converter or FM radio and to convert it to a digital value (col.2 lines 40-55, col.3 lines col.7 lines 40-49, 55-65 the data meter receiving infrared signal and transforming to display channel 04, infrared detector reads on optical reader);

ii. Circuitry for deriving from said frequency a corresponding digital word (col.5 lines 51-65 “the channel selection signal received by infrared detector 21 is decoded by a channel detector in the input/output interface 22 to provide a channel identifier”); and,

iii. A transceiver (fig.5, element 31A) suitable to receive said digital word and to transmit it to a specific recipient (abstract).

Regarding claim 21, Kiefl discloses the transmitter part of the transceiver is inactive and does not transmit until the receiver part of the transceiver receives a request and activates said transmitter part (abstract, “the control may respond to a call initiated from the central location”).

Regarding claim 23, Kiefl discloses the transceiver is a dedicated transceiver (fig. 2, element 31).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefl (US Patent 5382970) in view of Stephens (US Patent 6424816) in view of Tanaka et al. (US Patent 6466765).

Regarding claim 6, the modified Kiefl fails to disclose the processed is analytically.

Tanaka et al. disclose the processed is analytically (fig.3, elements 507, 515, 509). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Kiefl with the above teaching of Tanaka et al. in order to provide listening status data containing values of respective items entered by the user.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefl (US Patent 5382970).

Regarding claim 22, Kiefl disclose a cellular phone module for communicating with a central location; however, Kiefl fails to mention the transceiver is a digital cellular telephone. The Examiner take an Official notice is taken that a digital cellular phone is well known in the art at the time the invention was made.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefl (US Patent 5382970) in view of Ceresoli et al. (US Patent 6934508).

Regarding claim 24, Kiefl fails to disclose processing the replies graphically whereby to determine from them the time period during which each publicity or broadcasted program is transmitted.

Ceresoli et al. disclose processing the replies graphically whereby to determine from them the time period during which each publicity or broadcasted program is transmitted (col.8 lines 46-50). Therefore, It would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the system of Kiefl with the above teaching of Ceresoli et al. in order to provide detailed reports graphically.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Primary Examiner, Art Unit 2618

4/21/10